

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MIGUEL MOLINA, *et al.*,

Plaintiffs,

v.

K. KAUFFMAN, *et al.*,

Defendants.

No. 4:21-CV-00038

(Chief Judge Brann)

(Chief Magistrate Judge Mehalchick)

ORDER

AUGUST 30, 2022

Plaintiffs filed this civil rights complaint—which they have amended three times—alleging that their rights have been violated by Defendants as related to the conditions of confinement at Pennsylvania State Correctional Institution Huntingdon.¹ Plaintiffs have filed motions for preliminary injunctions, along with other miscellaneous motions, and Defendants have filed motions to dismiss.² In July 2022 Chief Magistrate Judge Karoline Mehalchick issued a Report and Recommendation recommending that this Court grant the motions to dismiss and deny the motions for a preliminary injunction.³ Plaintiffs filed timely objections to the Report and Recommendation.⁴

¹ Docs. 1, 35, 72, 101, 102, 104, 1008.

² Docs. 111, 115, 117, 118, 120, 122, 125, 153, 190, 196.

³ Doc. 202.

⁴ Doc. 207.

“If a party objects timely to a magistrate judge’s report and recommendation, the district court must ‘make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’”⁵ Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge’s findings or recommendations.⁶ After reviewing the record, the Court finds no error in Chief Magistrate Judge Mehalchick’s conclusion that Plaintiffs have failed to state a claim for relief, and are not entitled to a preliminary injunction. Accordingly, **IT IS HEREBY ORDERED** that:

1. Chief Magistrate Judge Karoline Mehalchick’s Report and Recommendation (Doc. 202) is **ADOPTED**;
2. Plaintiffs’ motions for a preliminary injunction (Docs. 117, 122, 125, 153) are **DENIED**;
3. Defendants’ motions to dismiss (Docs. 111, 115, 118, 120) are **GRANTED** as follows:
 - a. Any claims against Defendants Wetzel and Kauffman in their official capacities are **DISMISSED** with prejudice;
 - b. All remaining claims are **DISMISSED** without prejudice.

⁵ *Equal Emp’t Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

⁶ 28 U.S.C. § 636(b)(1); Local Rule 72.31.

4. Maldonado's motion for leave to file a supplemental complaint (Doc. 190) is **DENIED**;
5. Molina's motion to withdraw (Doc. 209) his motion to file a supplemental complaint is **GRANTED** and his motion to file a supplemental complaint (Doc. 203) is deemed **WITHDRAWN**;
6. Defendants' motion to stay discovery (Doc. 196) is **DENIED** as moot;
7. Plaintiffs may, if they choose, file a single, all-inclusive fourth amended complaint that seeks to cure the deficiencies outlined in Chief Magistrate Judge Mehalchick's Report and Recommendation. The failure to file a timely amended complaint may result in this case being dismissed with prejudice; and
8. This matter is **REMANDED** to Chief Magistrate Judge Mehalchick for further proceedings.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge